



**FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Tom & Lesia Sahagian
DOCKET NO.: 11-02754.001-R-1
PARCEL NO.: 02-17-209-018

The parties of record before the Property Tax Appeal Board are Tom & Lesia Sahagian, the appellants, and the DuPage County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change in the assessment of the property as established by the DuPage County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND: \$25,640
IMPR.: \$54,360
TOTAL: \$80,000**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story single-family dwelling of frame construction that contains 1,631 square feet of living area. The dwelling was constructed in 1991. Features of the home include a full basement that is 50% finished, central air conditioning, a fireplace and an attached two-car garage. The property is located in Bloomingdale, Bloomingdale Township, DuPage County.

The appellants' appeal is based on overvaluation based on a recent purchase of the subject property and comparable sales data. In support of the recent purchase price, the appellants submitted limited information concerning the March 2009 purchase of the subject property for \$240,000 or \$147.15 per square foot of living area, including land.

In Section IV - Recent Sale Data of the appeal petition, the appellants further reported that the subject property was purchased from an unrelated seller through the use of a Realtor with ReMax after the property was advertised for sale for a period of six months with the Multiple Listing Service. The appellants further reported that the seller's mortgage was not assumed and there were no funds spent in renovations prior to occupying the property.

The four comparable sales are described as one-story dwellings of frame construction that each contains 1,631 square feet of living area. The dwellings were constructed in 1990 or 1991. Features of the comparables include a full basement, two of which include finished area. Each home has central air conditioning and two of the comparables have a fireplace. Each property has a two-car garage. The comparables sold from March 2009 to September 2011 for prices ranging from \$179,000 to \$265,000 or from \$109.75 to \$162.48 per square foot of living area, including land. Based on this evidence, the appellants requested a reduction in the subject's total assessment to \$60,000 which would reflect a market value of approximately \$180,000 or \$110.36 per square foot of living area, including land.

The board of review submitted its "Board of Review Notes on Appeals" wherein the subject's total assessment of \$80,000 was disclosed. The subject's assessment reflects a market value of \$241,327 or \$147.96 per square foot of living area, including land, when applying the 2011 three year average median level of assessment for DuPage County of 33.15% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code §1910.50(c)(1)).

The board of review presented Exhibit #1 consisting of a memorandum from the Bloomingdale Township Assessor's Office along with a grid analysis that reiterated the appellants' four comparable sales and presented an additional four comparable sales to support the subject's estimated market value as reflected by its assessment. The township assessor noted the subject property was purchased in March 2009 for \$240,000 as a relocation sale. The township assessor contends all eight comparable sales are the same model home as the subject dwelling.

The township assessor provided information on four comparable sales, where only comparable #3 is a property not previously presented by the appellants. The four comparables are improved with one-story dwellings of frame construction that each contains 1,631 square feet of living area. The dwellings were constructed in 1990 or 1991. Features of the comparables include a full basement, one of which includes finished area. Each home has central air conditioning and one has a fireplace. The properties each have a two-car garage. These four comparables sold from March 2009 to June 2011 for prices ranging from \$227,500 to \$300,000 or from \$139.48 to \$183.94 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellants reiterated their contention that the assessment of the subject property does not reflect the recent sales of similar area properties. As to the assessor's comparable sale #3, is dissimilar from the subject as the appellants contend this home was completely remodeled and sold in 2010.

In addition, the appellants provided evidence of the 2013 assessment of the subject property reflecting an estimated market value based on its assessment of \$181,220 as of January 1, 2013 which the appellants contend would also be appropriate for the 2011 assessment of the subject property as of January 1, 2011.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Board further finds a reduction in the subject's assessment is not warranted.

The appellants contend the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002); 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. (86 Ill.Admin.Code §1910.65(c)). The Board finds the appellants did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

Except in counties with more than 200,000 inhabitants that classify property, property is to be valued at 33 1/3% of fair cash value. (35 ILCS 200/9-145(a)). Fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). The Illinois Supreme Court has construed "fair cash value" to mean what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing, and able to buy but not forced so to do. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970). A contemporaneous sale between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967).

Besides the sale of the subject property in March 2009 for \$240,000, the parties presented a total of five comparable sales to support their respective positions before the Property Tax Appeal Board. The Board finds the five comparable sales were similar to the subject in location, size, style, exterior construction, features and age. These properties sold from March 2009 to September 2011 for prices ranging from \$179,000 to \$300,000 or from \$109.75 to \$183.94 per square foot of living area, including land. The subject's assessment reflects a market value of \$241,327 or \$147.96 per square foot of living area, including land, which is within the range established by the best comparable sales in this record and is further supported by the March 2009 purchase price of the subject property of \$240,000, 21 months prior to the assessment date at issue of January 1, 2011

and appears well-supported by four of the five sales presented by the parties. The appellants primarily relied upon the sale of their comparable #1 that occurred in September 2011, a date nine months after the assessment date at issue and which sold for the lowest sale price of \$179,000.

Based on this record, the Board finds the appellants did not demonstrate by a preponderance of the evidence that the subject was overvalued and a reduction in the subject's assessment is not justified.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

J. R.

Member

DISSENTING: _____

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: December 20, 2013

Allen Castrovillari

Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing

complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.